

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TOWNSQUARE MEDIA, INC.,
Plaintiff,

v.

Case No. 7:21-cv-04695-KMK

**REGENCY FURNITURE, INC. and
REGENCY MANAGEMENT SERVICES, LLC**
Defendants.

MEMO ENDORSED

AFFIDAVIT FOR ATTORNEYS' FEES AND COSTS

I, Alan L. Frank, Esquire, do hereby upon my oath depose and say:

1. That I am the managing attorney of Alan L. Frank Law Associates, P.C. ("ALF Law"), attorneys for Defendants Regency Furniture, Inc. and Regency Management Services, LLC (collectively "Defendants") in the above referenced matter.
2. That I have knowledge of the facts set forth herein, submit this Affidavit on my personal knowledge in response to this Court's November 9, 2023 Order, wherein the Court determined that Plaintiff Townsquare Media, Inc. ("Townsquare Media") did not meet its obligation under Rule 30(b)(6) with regard to its Corporate Designee Brian Lang's testimony and determined that a monetary sanction is appropriate under Rule 37.
3. That during the November 9, 2023 hearing in the matter, the Court addressed the deposition testimony of both Rule 30(b)(6) Corporate Designees of Townsquare Media. William Campbell was produced first on September 1, 2021, and due to his deficient testimony, Brian Lang was thereafter produced on October 14, 2021 wherein he also testified as a Corporate Designee of Townsquare Media.

4. That in response to the colloquy with the Court on November 9, 2023, and the Court's subsequent Order of even date, ALF Law does now submit this fee application Affidavit.
5. That while the aforementioned November 9, 2023 Order specifically references Brian Lang, to the best recollection of the undersigned during its recent colloquy with counsel, the Court primarily referenced the deposition testimony deficiencies of William Campbell. Thus, there may be a typographical or equivalent error in the November 9, 2023 Order, although the undersigned is genuinely unsure of the Court's intent, one way or the other and, it could well be that the undersigned's recollection of the colloquy is simply in error.
6. Thus, in order to be complete, the undersigned has determined to make the Court aware of all of the time entries and costs associated with the preparation for and attendance at each of the two (2) designee depositions, anticipating that the Court will chose only those entries that apply to the designee that the Court is focused on in its ultimate award.
7. That ALF Law has maintained time records throughout the pendency of the above styled case, and I am personally familiar with the attorneys, their hourly rates, and their records because I am the lead attorney handling this particular case. All of the time and costs for which reimbursement is being sought herein exclusively relate to this case. A true and correct copy of ALF Law's billing entries for work and costs in this action is attached hereto as Exhibit A.
8. That the Background, Qualifications, Billing Rates and total hours expended by the attorneys performing the legal services outlined in the attached Exhibit A, are as follows:
 - a. Alan L. Frank - I am the managing attorney of Alan L. Frank Law Associates, P.C. an eight (8) attorney commercial litigation boutique with offices located in Jenkintown, Pennsylvania and New York. I am admitted to practice law in Pennsylvania, New Jersey and New York. I have been practicing law for forty-two (42) years. I was

admitted to the Pennsylvania Bar in 1981, The New Jersey Bar in 1983, and the New York Bar in 2004. I am also licensed in Pennsylvania as a Certified Public Accountant. I am certified by the New Jersey Supreme Court as a Civil Trial Attorney. I have been "AV" rated by Martindale Hubbell for approximately twenty-five (25) years. I have appeared in hundreds of Federal, State and Arbitration proceedings throughout the Country, and a substantial number of these proceedings have reached a final verdict, including those which have resulted in significant jury determinations and arbitration panel awards. I concentrate my practice in commercial litigation matters, such as the instant proceeding. With regard to the Corporate Desingee of Townsquare Media's depositions of William Campbell and Brian Lang, I rendered 20.20 hours of legal services to Defendant, totaling \$10,908.00. My hourly rate charged in this matter was \$540.00 per hour at the time the services were rendered.

b. Jordan E. Frank - Jordan Frank has been practicing law for eight (8) years, was admitted to the Pennsylvania and New Jersey Bars in 2015, and the New York Bar in 2021. Jordan Frank has appeared in many Federal, State and Arbitration proceedings throughout the Country, and concentrates his practice in commercial litigation matters, such as the instant proceeding. With regard to the Corporate Designee of Townsquare Media depositions of William Campbell and Brian Lang, Jordan Frank rendered 14.9 hours of legal services to Defendant, totaling \$5,215.00. Jordan Frank's hourly rate charged in this matter was \$350.00 per hour at the time the services were rendered.

9. That the requested fees and costs, and the hourly rates utilized, are reasonable and consistent with the prevailing market rates in the New York metropolitan area, to the best of my knowledge, information and belief.

10. That the efforts herein described were necessary and appropriate in connection with the preparation of and depositions of the Corporate Designee Depositions of Townsquare Media of William Campbell and Brian Lang.

11. That from August 31, 2021, through and including October 14, 2021, ALF Law has provided legal services to the Defendants in connection with the Corporate Designee of Townsquare Media depositions of William Campbell and Brian Lang total \$16,123.00, which are itemized in detail in Exhibit A hereto.

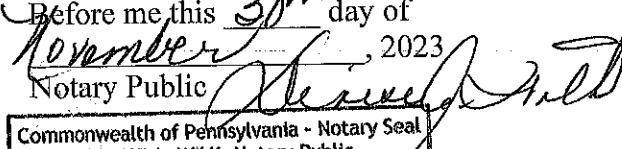
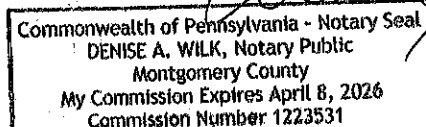
12. That in addition to attorneys' fees, the Defendants paid costs totaling \$1,342.42 in connection with the Corporate Designee of Townsquare Media depositions of William Campbell and Brian Lang, which are itemized in detail in Exhibit A and B hereto.

13. That in sum, based upon the reasonableness of the hourly rates and the reasonably expended number of hours in this matter, Defendant is entitled to reimbursement of its attorneys' fees and expenses in connection with the Corporate Designee depositions of Townsquare Media in such amount as shall be determined by the Court.

I verify, affirm and certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed this 30th day of November, 2023.


ALAN L. FRANK

Sworn to and Subscribed
Before me this 30th day of
November, 2023
Notary Public 

Commonwealth of Pennsylvania - Notary Seal
DENISE A. WILK, Notary Public
Montgomery County
My Commission Expires April 8, 2026
Commission Number 1223531

Defendants' Motion is denied without prejudice. Defendants are directed to refile their fee application with supporting documentation with regard to only Brian Lang's testimony, as the they were directed to do in this Court's November 9, 2024 Order. (See Dkt. No. 76.) Defendants' application shall include contemporaneous time records specifying for each attorney, the date, the hours expended, and the nature of the work done, as well as receipts with regard to Lang's testimony.

SO ORDERED. 6/7/2024

11/29/2023
9:29 AMALAN L. FRANK LAW ASSOCIATES, P.C.
Slip Listing

Page 1

Selection Criteria

Slip.Transaction ID 294700 - Last
Client (hand select) Include: Townsquare v. Regency

Rate Info - identifies rate source and level

Slip ID Dates and Time Posting Status Description	User Activity Client	Units DNB Time Variance	Rate Rate Info Bill Status	Slip Value
Slip Type: Time				
309657 TIME	ALF	2.40	540.00	1296.00
8/31/2021		0.00	T@2	
WIP	Townsquare v. Regency			
Prep. for designee dep. tom. in Townsquare		0.00		
Media case				
309658 TIME	ALF	7.50	540.00	4050.00
9/1/2021		0.00	T@2	
WIP	Townsquare v. Regency			
Prep. for and attend at designee dep of		0.00		
William Campbell in Townsquare matter;				
Follow-up (6:00 a.m. to 2:00 p.m.)				
309659 TIME	JEF	4.80	350.00	1680.00
9/1/2021		0.00	T	
WIP	Townsquare v. Regency			
(Townsquare)Deposition of William Campbell		0.00		
309660 TIME	ALF	1.20	540.00	648.00
9/2/2021		0.00	T@2	
WIP	Townsquare v. Regency			
Conf. with Jf re: results of dep. yesterday		0.00		
and contents of upcoming defieiciency letter;				
Follow-up re: same				
309661 TIME	JEF	1.20	350.00	420.00
9/2/2021		0.00	T	
WIP	Townsquare v. Regency			
(Townsquare) Draft discovery requests and		0.00		
deficiency letter				
309662 TIME	ALF	1.00	540.00	540.00
9/3/2021		0.00	T@2	
WIP	Townsquare v. Regency			
Review, revise disc. def. letter and finalize		0.00		
second set of RFPDs (all re: Townsquare)				
Follow-up				
309663 TIME	JEF	2.70	350.00	945.00
9/3/2021		0.00	T	
WIP	Townsquare v. Regency			
(Townsquare) Draft discovery requests and		0.00		

11/29/2023
9:29 AMALAN L. FRANK LAW ASSOCIATES, P.C.
Slip Listing

Page 2

Slip ID		User	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client		Bill Status	
Description			Variance		
deficiency letter					
309664	TIME	ALF	0.80	540.00	432.00
9/8/2021			0.00	T@2	
WIP		Townsquare v. Regency			
Prep. for and attend at tel. status conf. with Magistrate re: disc. and related issues (re: Townsquare); Follow-up			0.00		
309665	TIME	ALF	1.20	540.00	648.00
9/13/2021			0.00	T@2	
WIP		Townsquare v. Regency			
Extended meet and confer re: disc. disputes; Follow-up re; open itemslist in Townsquare dispute; conf. with JF re; same			0.00		
309666	TIME	JEF	0.50	350.00	175.00
9/18/2021			0.00	T	
WIP		Townsquare v. Regency			
(Townsquare) Review William Campbell transcript.			0.00		
309667	TIME	JEF	2.40	350.00	840.00
9/24/2021			0.00	T	
WIP		Townsquare v. Regency			
(Townsquare) draft notice of dep. for Plaintiffs Corp. designee			0.00		
309668	TIME	JEF	0.60	350.00	210.00
9/27/2021			0.00	T	
WIP		Townsquare v. Regency			
(Townsquare) edits to dep. notice			0.00		
309669	TIME	JEF	0.50	350.00	175.00
9/28/2021			0.00	T	
WIP		Townsquare v. Regency			
(Townsquare) Finalzie dep. notice. Call with opposing counsel			0.00		
309670	TIME	ALF	1.20	540.00	648.00
9/29/2021			0.00	T@2	
WIP		Townsquare v. Regency			
Tel. hearing with Magistrate re: gift card discovery; prep. for same; tel. conf. with Jared P. re: designee deps, etc.; Follow-up			0.00		
309671	TIME	ALF	1.40	540.00	756.00
10/11/2021			0.00	T@2	
WIP		Townsquare v. Regency			
Prep. for deps. on Thursday of designee deps. in Townsquare Media matter; conf. with JF re:same			0.00		

11/29/2023
9:29 AM

ALAN L. FRANK LAW ASSOCIATES, P.C.

Slip Listing

Page 3

Slip ID	User	Units	Rate	Slip Value
Dates and Time	Activity	DNB Time	Rate Info	
Posting Status	Client		Bill Status	
Description		Variance		
309677 TIME	JEF	2.20	350.00	770.00
10/11/2021		0.00	T	
WIP	Townsquare v. Regency			
(Townsquare) Get docs together for dep.		0.00		
309672 TIME	ALF	1.50	540.00	810.00
10/12/2021		0.00	T@2	
WIP	Townsquare v. Regency			
Prep. for designee deps. on Thurs.; review		0.00		
W. Campbell transcript re: same				
(Townsquare Media); brief tel. conf. with C.				
Jones				
309673 TIME	ALF	2.00	540.00	1080.00
10/14/2021		0.00	T@2	
WIP	Townsquare v. Regency			
Prep. for and attend at designee dep of Brian		0.00		
Lang in Townsquare Media case				
Total: Time				
	Billable	35.10		16123.00
	Unbillable	0.00		0.00
	Total	35.10		16123.00
<u>Slip Type: Expense</u>				
309674 EXP	ALF Law Associates	1	433.15	433.15
11/5/2021				
WIP	Townsquare v. Regency			
ERSA Court Reporters - Deposition				
transcript of Brian Lang - 10/14/21 (\$323.15)				
ERSA Video Services - Deposition lasted 1.0				
hour (2:11 pm to 3:13 pm) (\$110.00)				
309676 EXP	ALF Law Associates	1	941.27	941.27
11/5/2021				
WIP	Townsquare v. Regency			
EERSA Court Reporters - Deposition				
transcript of William Campbell - 9/1/21				
Total: Expense				
	Billable	0.00		1374.42
	Unbillable	0.00		0.00
	Total	0.00		1374.42
Grand Total				
	Billable	35.10		17497.42
	Unbillable	0.00		0.00
	Total	35.10		17497.42

INVOICE

Frank, Alan L.
Frank, Alan L. Law Associates, P.C.
135 Old York Road
Jenkintown, PA 19046

Invoice No.	Invoice Date	Job No.
317100	9/8/2021	330538
Job Date	Case No.	
9/1/2021		
Case Name		
Townsquare Media, Inc. v. Regency Furniture, Inc., et al.		
Payment Terms		
Due upon receipt		

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

William Campbell

199.00 Pages

626.85

Expedited Delivery

314.42

1 CERTIFIED COPY OF TRANSCRIPT OF:

Tara Kelly

161.00 Pages

370.30

Expedited Delivery

185.15

TOTAL DUE >>>**\$1,496.72**

PLEASE SUBMIT ALL PAYMENTS TO THE PHILADELPHIA, PA OFFICE.

(-) Payments/Credits:

0.00

(+) Finance Charges/Debits:

0.00

(=) New Balance:

\$1,496.72

Tax ID: 20-0288959

Please detach bottom portion and return with payment.

Frank, Alan L.
Frank, Alan L. Law Associates, P.C.
135 Old York Road
Jenkintown, PA 19046

Invoice No. : 317100
Invoice Date : 9/8/2021
Total Due : \$1,496.72

Remit To: **ERSA Court Reporters**
E-Reporting Stenographic Affiliates, Inc.
30 South 17th Street
Suite 1520
Philadelphia, PA 19103

Job No. : 330538
BU ID : Phila
Case No. :
Case Name : Townsquare Media, Inc. v. Regency
Furniture, Inc., et al.

INVOICE

Phone: 215-564-1233

FAX: 215-564-1225

Frank, Alan L.
Frank, Alan L. Law Associates, P.C.
135 Old York Road
Jenkintown, PA 19046

Invoice No.	Invoice Date	Job No.
319367	10/27/2021	333710
Job Date	Case No.	
10/14/2021		
Case Name		
Townsquare Media, Inc. v. Regency Furniture, Inc., et al.		
Payment Terms		
Due upon receipt		

1 CERTIFIED COPY OF TRANSCRIPT OF:

Craig Jones	153.00 Pages	420.75
Rough Ascll	136.00	136.00

ORIGINAL AND 1 CERTIFIED COPY OF TRANSCRIPT OF:

Brian Lang	73.00 Pages	259.15
Rough Ascll	64.00	64.00

TOTAL DUE >>> \$879.90

PLEASE SUBMIT ALL PAYMENTS TO THE PHILADELPHIA, PA OFFICE.

Tax ID: 20-0288959*Please detach bottom portion and return with payment.*

Frank, Alan L.
Frank, Alan L. Law Associates, P.C.
135 Old York Road
Jenkintown, PA 19046

Job No. : 333710 BU ID : Phila
Case No. :
Case Name : Townsquare Media, Inc. v. Regency Furniture, Inc., et al.
Invoice No. : 319367 Invoice Date : 10/27/2021
Total Due : \$879.90

Remit To: **ERSA Court Reporters**
E-Reporting Stenographic Affiliates, Inc.
30 South 17th Street
Suite 1520
Philadelphia, PA 19103

PAYMENT WITH CREDIT CARD

Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____
Email: _____

INVOICE

Frank, Alan L.
Frank, Alan L. Law Associates, P.C.
135 Old York Road
Jenkintown, PA 19046

Invoice No.	Invoice Date	Job No.
318944	10/20/2021	333715
Job Date	Case No.	
10/14/2021		
Case Name		
Townsquare Media, Inc. v. Regency Furniture, Inc., et al.		
Payment Terms		
Due upon receipt		

Craig Jones & Brian Lang (Video Services)

Video First Hour

315.00

Video Each Additional Hour

5.00

550.00

TOTAL DUE >>>

\$865.00

PLEASE SUBMIT ALL PAYMENTS TO THE PHILADELPHIA, PA OFFICE.

*** Mr. Lang's deposition lasted 1 hour**

Tax ID: 20-0288959

Please detach bottom portion and return with payment.

Frank, Alan L.
Frank, Alan L. Law Associates, P.C.
135 Old York Road
Jenkintown, PA 19046

Job No. : 333715 BU ID : Phlla
Case No. :
Case Name : Townsquare Media, Inc. v. Regency Furniture, Inc., et al.
Invoice No. : 318944 Invoice Date : 10/20/2021
Total Due : \$865.00

Remit To: **ERSA Court Reporters**
E-Reporting Stenographic Affiliates, Inc.
30 South 17th Street
Suite 1520
Philadelphia, PA 19103

PAYMENT WITH CREDIT CARD



Cardholder's Name:

Card Number:

Exp. Date:

Phone#:

Billing Address:

Zip:

Card Security Code:

Amount to Charge:

Cardholder's Signature:

Email:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TOWNSQUARE MEDIA, INC.,

Plaintiff,

v.

**REGENCY FURNITURE, INC. and
REGENCY MANAGEMENT SERVICES, LLC,**

Defendants.

Case No. 7:21-cv-04695-KMK

CERTIFICATE OF SERVICE

I, Alan L. Frank, Esq., hereby certify that November 30, 2023, a true and correct copy of Affidavit for Attorneys' Fees and Costs was served via ECF and email upon the following:

Jared E. Paioff, Esq.
Schwartz Sladkus Reich Greenberg Atlas, LLP
444 Madison Avenue, 6th Floor
New York, NY 10023
jpaioff@ssrga.com



ALAN L. FRANK, ESQ.